

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 1-2, 12, 14, 16, and 19-21. Applicants respectfully submit no new matter has been added. Applicant has fax submitted a draft amendment on April 13, 2009 in order to provide the Examiner with a proposed amendment on Claim 1 prior to the Examiner's Interview scheduled on April 14, 2009. In that regard, Applicant appreciates the Examiner's phone call explaining that the draft amendment submitted for the Examiner's review was accidentally entered by the USPTO. Accordingly, the currently submitted claims are based on the proposed amendment faxed to the Examiner on April 13 and now entered into the file. Accordingly, claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1, 6, 9-15, and 19-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Winchell, *et al.* (US 2002/0515321). While maintaining the same rejection, the Examiner further elaborated that "the features upon which applicant relies (i.e., associating the subscriber identification with a point-to-multipoint service identifier (page 9 of the remark) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims."

Applicants extremely appreciate the Examiner's thorough review of the pending claims and for providing further explanations thereto. In accordance with the Examiner's statement, Applicants have amended the pending independent claims so that the features upon which Applicants relied are clearly recited in the pending claims. In that regard, Applicants further appreciate the Examiner's Interview granted on April 14, 2009 wherein the Examiner reviewed Applicant's proposed amendments (as submitted via fax) and further indicated that the amended claims seemed to overcome the Examiner's 102 rejections.

Accordingly, Applicants have amended all independent claims so that the step of "defining accounting information associating said subscriber identifier with said point-to-multipoint service identifier" is clearly recited in independent Claims 1, 19, and 20. Furthermore, as discussed during the Examiner's Interview, Applicants have further amended the independent claims to clearly recite that the step of storing the accounting information placing the subscriber in association with the identified point-to-multipoint service is done at a point-to-multipoint (PTM) service management entity.

Applicants therefore respectfully submit that now amended independent Claims 1, 19 and 20 are novel and unobvious in view of the cited references and a favorable reconsideration is earnestly requested. The remaining claims rejected under 102 are dependent upon now allowable independent claims and recite further limitations thereto. A notice of Allowance for all such claims is respectfully requested.

### **3.) Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 2, 3, 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al.* (US 2002/0515321) in view of Herzog, *et al.* (IEEE/ACM Transactions of Networking, Vol. 5, No. 6, "Sharing the "Cost" of Multicast Trees: An Axiomatic Analysis").

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al.* (US 2002/0515321) in view of Herzog, *et al.* (IEEE/ACM Transactions of Networking, Vol. 5, No. 6, "Sharing the "Cost" of Multicast Trees: An Axiomatic Analysis") and further in view of Briscoe, *et al.* (US 2005/0286488).

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Winchell, *et al.* (US 2002/0515321) in view of Wahl, *et al.* (US 2002/0089985).

All such claims depend from amended independent claim 1 and recite further limitations in combination with the novel elements thereof. Likewise, the allowance of claims 2, 3-5, 7-8, and 16-18 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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